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SCOTUS Opinion Allows EPA More Regulatory Power (/full-blog/2014/07/scouts-opinion-allows-epa-more.html)

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(http://fbnews.fb.org/FBNews/Top_News/Supreme_Court_rejects_key_elements_of_EPA_GHG_regulations.aspx)

By: Catherine Gavin, Staff Member

The Supreme Court took away some of the Environmental Protection Agency's (EPA) power on Monday June 23, 2014. In an opinion written by Justice Scalia in *Utility Air Regulatory Group v. Environmental Protection Agency*, the Court took away some of the EPA's power to impose harsher emission standards.

[1] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn1)

However, the Court simultaneously protected a majority of the EPA's power to regulate greenhouse gases.

[2] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn2)

The 5-4 decision was handed down with Justice Scalia writing for the majority. Justice Thomas and Justice Alito joined the opinion in Part I, II-A, II-B-1.

[3] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn3)

Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan joined Part II-B-2.

[4] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn4)

Justice Sotomayer, Justice Ginsburg, and Justice Kagan joined in Justice Breyer's concurring in part and dissenting in part opinion.

[5] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn5)

Finally, Justice Alito penned an opinion concurring in part and dissenting in part, to which Justice Thomas joined.

[6] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn6)

The EPA interpreted the Clean Air Act to mandate that stationary sources of pollution would require a Title V permit, as well as, to comply with “best available control technology” for greenhouse gases.

[7] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn7)

The Court upheld the EPA’s act of requiring facilities to address the issue of pollutants when expanding.

[8] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn8)

However, the ruling does not extend to smaller pollutant emitters such as apartments, schools, and restaurants.

[9] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn9)

David Doniger who is the top climate lawyer for the Natural Resources Defense Council said “[t]he most important message from this case is that the Supreme Court stands behind its prior decisions that the EPA has the authority and responsibility to” address climate change.

[10] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn10)

This decision is one in the line of many that the Court has deferred to the EPA and allowed the EPA to interpret complex statutory language.

[11] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn11)

As Scalia stated “the EPA is getting almost everything it wanted in this case”.

[12] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftn12)

[1] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref1)

Bill Mears,

Court slows EPA on emissions, but largely backs its rules

(Mon June 23, 2014 2:34 PM),

<http://www.cnn.com/2014/06/23/justice/scotus-greenhouse-gases/>
(<http://www.cnn.com/2014/06/23/justice/scotus-greenhouse-gases/>)

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[2] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref2)

Id.

[3] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref3)

Utility Air Regulatory Group v. Environmental Protection Agency,

<http://www.scotusblog.com/case-files/cases/utility-air-regulatory-group-v-environmental-protection-agency/> (<http://www.scotusblog.com/case-files/cases/utility-air-regulatory-group-v-environmental-protection-agency/>)

(last visited July 7, 2014).

[4] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref4)

Id.

[5] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref5)

/ (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref5)

Id.

[6] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref6)

Id.

[7] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref7)

Id.

[8] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref8)

Mark Drejem and Greg Stohr,

EPA’s Winning Streak Extended High Court Backs Greenhouse Permits

(June 24, 2014 (12:52PM),

<http://www.bloomberg.com/news/2014-06-24/epa-extended-legal-victories-for-climate-change-moves.html> (<http://www.bloomberg.com/news/2014-06-24/epa-extended-legal-victories-for-climate-change-moves.html>)

[9] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref9)

Id.

[10] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref10)

Id.

[11] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref11)

Id.

[12] (file:///C:/Users/Laken/Downloads/Gilbert%20Edits-Gavin%20Blog.docx#_ftnref12)

Id.

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